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Hearing Date: ¹

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

SEARS HOLDINGS CORPORATION, et al.

Case No.: 18-23538 (RDD)

Debtors.

(Jointly Administered)

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**CREATIONS JEWELLERY MFG. PVT. LTD. MOTION FOR ALLOWANCE OF
POST-PETITION ADMINISTRATIVE EXPENSE CLAIM**

Creations Jewellery MFG PVT. LTD. ("Creations Jewellery") by its undersigned attorneys, hereby submits this Motion for Allowance of Post-Petition Administrative Expense Claim in the amount of not less than \$18,355.96 (the "Motion"), as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is appropriate in this court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. On October 15, 2019 (the "Petition Date"), Sears Holdings Corporation and its related debtors (the "Debtors") filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et. seq. (the "Bankruptcy Code"). As of this date, no trustee has been appointed for the Debtors' businesses or properties.

¹ 1 In light of the Administrative Expense Claim Consent Program and the adjournment of all motions to compel payment of administrative expense claims, Movant has not requested a hearing date for its motion. In the event the claim cannot be consensually resolved, Movant will request a hearing date and file a notice of such date with response deadlines.

BACKGROUND

3. Creations Jewellery supplied costume jewelry, to the Debtors and continued to supply the services after the Petition Date.
4. On October 15, 2019, the Court entered the Order (I) Confirming Modified Second Amended Joint Chapter 11 Plan of Sears Holding Corporation and its Affiliated Debtors and (II) Granting Related Relief (the "Confirmation Order" [Docket No. 5370]), which provides, among other things, for adoption of the Administrative Expense Claims Consent Program (the "Program") effective as of that date. Pursuant to the Program, creditors holding administrative claims must still file their administrative expense claims, thereby requiring the filing of this Motion.
5. The Confirmation Order further provides that all requests for administrative expense claims are adjourned until a date as determined by the Debtors or Liquidating Trust, as applicable, and so no hearing date is requested as part of this Motion.

RELIEF REQUESTED

6. Creation Jewellery requests entry of an order, substantially in the form annexed hereto as **Exhibit A**, allowing its administrative claim in the amount of not less than \$18,355.96.

BASIS FOR RELIEF REQUESTED

7. Pursuant to Section 503(b)(1)(A) of the Bankruptcy Code, "[a]fter notice and a hearing, there shall be allowed administrative expenses ... including the actual, necessary costs and expenses of preserving the estate." In this case, the Debtors' ongoing, post-petition use of CREATIONS JEWELLERY's services allowed the Debtors to continue to operate their businesses in the post-petition period as it was pursuing its operations and sales strategies, aiding the Debtors in its efforts to retain and support its employees during this process. Therefore, the costs and expenses for the services provided by Creations Jewellery constitute actual and necessary costs and expenses of preserving the estate. Accordingly, Creations Jewellery is entitled to an administrative claim for all post-petition unpaid charges incurred.
8. The summary listing of the open and unpaid invoice that comprise the amount requested

herein is attached hereto as **Exhibit "B"**.

9. Creations Jewellery reserves the right to assert any and all other claims of whatever kind or nature that it has, or it may have, against the Debtors. The filing of this Motion is not a waiver or release of any claims or rights of Creations Jewellery against any other person or entity, an election of remedies, or a waiver of any past, present, or future claims. Further, nothing contained herein is a waiver of any additional pre-petition or post-petition administrative expense claims that Creations Jewellery has or may have against the Debtors that are not identified herein.

NOTICE

10. Notice of the Motion has been given to the Debtors, and all parties receiving notice through the Court's ECF system. Upon scheduling a hearing to consider the Motion, the Movant will provide such additional notice as may be required by the procedures set forth in the Order Implementing Certain Notice and Case Management Procedures. See Docket No. 139. Creations Jewellery respectfully submits that at this time, no further notice is required.

CONCLUSION

WHEREFORE, Creations Jewellery requests the entry of the Order submitted contemporaneously herewith, and that the court grant such additional or further relief just and equitable under the circumstances.

Dated: New York, New York
December 24, 2019

LAZARUS & LAZARUS, P.C.

By: 

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